

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT said bid of Gaylord Construction Company, in the amount of \$90,175.62, for the construction of storm sewers, be and the same is hereby accepted, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager in behalf of the City of Austin is authorized and instructed to enter into a contract with the said Gaylord Construction Company, subject to the approval of the Federal Emergency Administration of Public Works.

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 Upon motion, seconded and carried, the meeting was recessed, subject to call of the Mayor.

Approved: Tom Miller  
 Mayor

Attest:

Hallie McKeen  
 City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 15, 1938.

The City Council of the City of Austin, Texas, convened in regular session, at the regular meeting place, on this 15th day of December, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas.F.Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

Councilman Wolf introduced a proposed resolution and moved its adoption. The resolution was read in full. Councilman Gillis seconded the motion. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; Noes, NONE.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

RESOLUTION ACCEPTING AN OFFER OF THE UNITED STATES OF AMERICA TO AID BY WAY OF GRANT IN FINANCING A PROJECT THEREIN DESCRIBED

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

1. THAT the Offer of the United States of America to the County of Travis and the City of Austin to aid by way of grant in financing the construction of a Tuberculosis Sanatorium, including necessary equipment, said Offer reading as follows:

P. W. 86013-38

FEDERAL EMERGENCY ADMINISTRATION OF  
PUBLIC WORKSWashington, D. C.  
Dated: December 8, 1938  
Docket No. Tex. 2070-FCounty of Travis and  
City of Austin

Austin, Texas

1. Subject to the Terms and Conditions (PWA Form No. 230, as amended to the date of this Offer), which are made a part hereof, the United States of America hereby offers to aid in financing the construction of a Tuberculosis Sanatorium, including necessary equipment (herein called the "Project"), by making a grant to the County of Travis and the City of Austin (herein collectively called the "Applicant"), in the amount of 45 per cent of the cost of the Project upon completion, as determined by the Federal Emergency Administrator of Public Works (herein called the "Administrator"), but not to exceed, in any event, the sum of \$24,750.

2. By acceptance of this Offer, the Applicant covenants to complete the Project with all practicable dispatch, and in any event by June 21, 1939.

3. Notwithstanding any other provisions of this Offer or of the said Terms and Conditions, the United States of America shall be under no obligation to make any payment or payments on account of the grant hereunder (a) in excess of an amount which, together with all previous grant payments, will exceed nine elevenths of the total amount of funds theretofore deposited by the Applicant in the Construction Account described in said Terms and Conditions from sources other than such grant payments, and, in any event, (b) in excess of \$24,750.

4. This Offer is made subject to the express condition that, if the Administrator shall determine at any time that the Applicant has paid or agreed to pay, whether directly or indirectly, a bonus, commission or fee to any person, firm or corporation for attempting to procure an approval of the Applicant's application, or for alleged services in procuring or in attempting to procure such approval, or for activities of the nature commonly known as lobbying performed or agreed to be performed in connection with the application, then the Administrator shall have the right, in his discretion, to rescind this Offer and any agreements resulting herefrom and, in the event of such rescission, the United States of America shall be under no further obligation hereunder.

5. The acceptance of this Offer by the Applicant shall effectuate a cancellation of the contract created by the acceptance of the Offer dated September 26, 1938, made by the United States of America to the City of Austin to aid in financing the construction of the Project; Provided, that the cancellation of such contract shall not impair or vitiate any acts performed or proceedings taken thereunder prior to such cancellation, but such acts or proceedings may be continued under the contract created by the acceptance of this Offer.

UNITED STATES OF AMERICA

Federal Emergency Administrator  
of Public WorksBy (Signed) H. A. Gray  
Assistant Administrator

be and the same is hereby in all respects accepted.

2. THAT said County of Travis and the City of Austin agree to abide by all the Terms and Conditions of said Offer, including the Terms and Conditions annexed thereto and made a part thereof.

3. THAT the City Manager be and he is hereby authorized and directed forthwith to send to the Federal Emergency Administration of Public Works three certified copies of the proceedings of the City Council in connection with the adoption of this resolution, setting forth this resolution in full, and such further documents or proofs in connection with the acceptance of said Offer as may be requested by the Federal Emergency Administration of Public Works.

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Councilman Alford offered the following resolution:

WHEREAS, Rex D. Kitchens is the contractor for the construction of a subway for the Austin School Board across West Avenue, from the Austin High School (which is located between West 12th Street and West 13th Street on the east side of West Avenue) to the Gymnasium (which is located on the west side of West Avenue),

in the City of Austin, Travis County, Texas, and said contractor desires the hereinafter described space during the construction of said subway, to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the use hereinabove set out be granted said Rex D. Kitchens, the boundary of which is described as follows:

All that portion of West Avenue lying between the north line of West 12th Street and the south line of West 13th Street;

with the right and privilege to keep closed said area, the use of which as a public street is temporarily vacated and abandoned as a street by the City of Austin for the aforesaid purposes.

2. THAT the above privileges and allotment of space are granted to said Rex D. Kitchens, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That nothing herein shall be construed as preventing or abridging in any way the rights of any person or persons residing on the west side of West Avenue, within said space, or any person or persons having lawful business with said residents, or either of them, from entering the aforesaid portion of said West Avenue from the north side of West 12th Street, but said portion of said West Avenue hereinabove described is closed and abandoned as a street for the use of the public generally.

(2) That the Contractor shall construct a guard rail within the boundary line along the east side of West Avenue from the north line of West 12th Street to the south line of West 13th Street, such guard rail to be at least 4 feet high and substantially braced and anchored; and shall construct a substantial guard rail from the east side of West Avenue to the west side of West Avenue along the south boundary line of said space, such guard rail to be at least 4 feet high and substantially braced and anchored; and shall construct from the east side of West Avenue to the west side of West Avenue, along the north boundary line of said space, a substantial guard rail to be at least 4 feet high and substantially braced and anchored.

(3) That the Contractor shall construct in the barricade on the south boundary line of said space a substantial gate, which shall be closed at all times when not in use, and at all times that such gate is open, the contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic, and is not to be opened for the use of the public generally but only for persons residing on the west side of West Avenue, within said space, or any person or persons having lawful business with said residents, or either of them.

4. That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(5) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6) That the contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by

the City Manager, and in any event, all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1939.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(11) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in DEXTER STREET from Kinney Avenue westerly 156 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north line of said Dexter Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in RED RIVER STREET ALLEY southerly 66 feet from a point 130 feet south of the south line of East 21st Street, the centerline of which gas main shall be 5 feet east of and parallel to the west line of said Red River Street Alley.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in WEST 31ST STREET easterly 80 feet from a point 207 feet west of the west line of Guadalupe Street, the centerline of which gas main shall be 1 foot south of and parallel to the north line of said West 31st Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in SAN JACINTO BOULEVARD southerly 55 feet from a point 35 feet north of the north line of East 26th Street, the centerline of which gas main shall be 21 feet west of and parallel to the east line of said San Jacinto Boulevard.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in BURNET ROAD from Oran Street northerly 700 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Burnet Road.

(6) A gas main in ORAN STREET from Burnet Road to Woodrow Avenue, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Oran Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in EAST 39½ STREET from Alice Avenue easterly 264 feet, the centerline of which gas main shall be 25 feet north of and parallel to the south line of said 39½ Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be, and the same is hereby, permitted to construct its pole lines in the following streets:

(1) A telephone pole line in EAST 19TH STREET from H&TC Railroad easterly to Rosewood Avenue, the centerline of which pole line shall be 1 foot north of and parallel to the south line of said East 19th Street.

(2) A telephone pole line in ROSEWOOD AVENUE from Chestnut Avenue to Hargrave Street, the centerline of which pole line shall be 1 foot north of and parallel to the south line of said Rosewood Avenue.

(3) A telephone pole line in ROSEWOOD AVENUE from Hargrave Street to Webberville Road, the centerline of which pole line shall be 1 foot south of and parallel to the north line of said Rosewood Avenue.

(4) A telephone pole line in EAST 12TH STREET from the H&TC Railroad to Evergreen Cemetery, the centerline of which pole line shall be 1 foot south of and parallel to the north line of said East 12th Street.

(5) A telephone pole line in HARVEY STREET from East 12th Street to East 19th Street, the centerline of which pole line shall be 1 foot west of and parallel to the east line of said Harvey Street.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew introduced the following resolution:

"Austin, Texas  
December 15, 1938

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of E. L. Steck, owner of Lots 1 and 2, Block 3, of Gypsy Grove Addition, a subdivision within the City of Austin, Travis County, Texas, which property is situated at the northwest corner of the intersection of West 34th Street and Guadalupe Street, for permission to construct, maintain and operate a drive-in gasoline filling station at the above described location, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer exists in 34th Street adjacent to the above described property.

We recommend that E. L. Steck be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with out standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-226.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-226 and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Signed) J. E. Motheral  
City Engineer

" J. C. Eckert  
Building Inspector. "

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northwest corner of the intersection of West 34th Street and Guadalupe Street, which property is owned by E. L. Steck, and is designated as Lots 1 and 2, Block 3, of the Original City of Austin, Texas, and hereby authorizes the said E. L. Steck to construct, maintain, and operate a drive-in gasoline filling station, and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said E. L. Steck has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, W. B. Loveless, owner of Lot 1, Block 19, of Swisher Addition, a subdivision out of the Isaac Decker League within the City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of South Congress Avenue and West Elizabeth Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the south sidewalk area of said West Elizabeth Street at the above described location, as shown upon the plan hereto attached marked 2-C-779, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT W. B. Loveless, owner of Lot 1, Block 19, of Swisher Addition, a subdivision out of the Isaac Decker League within the City of Austin, Travis County, Texas, which property is situated at the southwest corner of the intersection of South Congress Avenue and West Elizabeth Street, is hereby permitted to construct a commercial driveway across the south sidewalk area of West Elizabeth Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-C-779, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report by the City Engineer on the tabulation of bids for 24th Street Bridge was received:

"Austin, Texas  
December 14, 1938.

Mr. Gilton Morgan  
City Manager  
Austin, Texas

Re: PWA Docket Tex-2072-F-2  
24th Street Bridge  
Austin, Texas

Dear Sir:

Bids which were received this afternoon at 2:00 P. M. on the above project (24th Street Bridge) total as follows:

1. J. F. Johnson -----	\$22,368.75
2. Edward Lorey -----	24,167.58
3. Yarbrough Construction Company -----	25,696.34
4. J. M. Odom -----	25,760.50
5. Rex Kitchens -----	26,224.00
6. Brown & Root, Inc. -----	27,727.50
7. Mitchell Darby, Inc. -----	28,298.19

There was a total of \$30,000.00 set up for this project, which included the cost of construction plus all incidentals. Our estimate of the actual cost of construction was \$24,000.00, approximately \$1,700.00 above the low bid.

I recommend that the contract be awarded to J. F. Johnson for \$22,368.75.

Yours very truly,

(Signed) J. E. Motheral  
City Engineer. "

Councilman Bartholomew introduced the following resolution and moved its adoption. Councilman Gillis seconded the motion. The motion, carrying with it the adoption of the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, proposal for bids for the construction work under PWA Docket No. Tex-2072-F-2, was duly advertised to be received by the City Manager and publicly opened at two o'clock P. M., Wednesday, December 14, 1938, at the City Hall in Austin, Texas; and

WHEREAS, at said time and place bids were publicly opened and read as specified; and

WHEREAS, thereupon it was found that the base bid of J. F. Johnson, Contractor, of Austin, Texas, amounting to \$22,368.75, for the construction of a bridge over Shoal Creek, at 24th Street, being PWA Docket No. Tex-2072-F-2, was the lowest and best bid under said project, and that said bid was regular and proper in all particulars; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT said bid of J. F. Johnson, Contractor, in the amount of \$22,368.75, for the construction of a bridge over Shoal Creek, at 24th Street, be and the same is hereby accepted, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager in behalf of the City of Austin is authorized and instructed to enter into a contract with the said J. F. Johnson, Contractor, subject to the approval of the Federal Emergency Administration of Public Works.

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Councilman Gillis introduced the following resolution and moved its adoption. Councilman Alford seconded the motion. The motion, carrying with it the adoption of

the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced the resolution had been finally passed.

The resolution is as follows:

WHEREAS, at the time the bids for the construction of the Municipal Building and the Central Fire Station for the City of Austin, being PWA Docket No. Texas-1854-DS, were received the said bids exceeded the estimates upon which the grant agreement by the Federal Emergency Administration of Public Works and the City of Austin was based; and

WHEREAS, it was found desirable at that time to award the contracts to the low bidders on the basis of the bids submitted, even though the total cost of the work was in excess of the grant agreement upon which the grant by the PWA was computed; and

WHEREAS, during the progress of the construction work of these buildings, it was found desirable and essential to the adequacy of the completed buildings that certain changes be made, such as the provision of a parking area, the enlargement of the basements and storage area, and other additions to the work, all such changes, however, being made in accordance with and subject to the approval of the Federal Emergency Administration of Public Works by means of approved change orders; and

WHEREAS, such changes and original contract increases justify an increase in the amount of the grant based upon the final completion figures, and such additional grant is essential to the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT the City Manager be, and he is hereby, authorized and directed to prepare the necessary exhibits, cost analysis and supporting papers, together with certified copies of this resolution, and submit same to the Regional Office of the Public Works Administration as a basis for a formal request that the grant on this docket number be increased by the sum of \$20,986.23 as shown in the estimate and final cost data, which is attached hereto and made a part of this resolution for informational and record purposes.

BE IT FURTHER RESOLVED, THAT the City Council and the City of Austin appreciate the grants-in-aid made to the City of Austin on this and the many other worthwhile projects which are and will be for many years enduring evidence of the sound expenditures of public funds by the United States Government through the PWA, and said PWA projects are essential and badly needed and are serving, and will serve, the people of Austin for many years.

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The following report on tabulation of bids was received:

"Austin, Texas  
December 14, 1938  
PWA Docket 1847-1-P-F-2  
Electric System Improvements  
Power Plant Electric  
Austin, Texas

Honorable Mayor and Council:

I hereby submit a summary of the tabulation of bids for certain Power Plant electric improvements as designated by the above docket number of the Public Works Administration.

I recommend that Fox-Schmidt Company be awarded the contract for this project for the net total of \$36,000.00, as the lowest and best bid.

Respectfully submitted,  
(Signed) Walter E. Seaholm  
Supervising Engineer of Staff. "

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Bartholomew. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, proposal for bids for the construction work under PWA Docket No. Tex-1847-1-P-F-2, was duly advertised to be received by the City Manager and publicly opened at ten o'clock A. M., Wednesday, December 14, 1938, at the City Hall, Austin, Texas; and

WHEREAS, at said time and place bids were publicly opened and read as specified; and

WHEREAS, thereupon it was found that the bid of Fox-Schmidt, of Austin, Texas, in the total net amount of \$36,000.00, for the construction of certain improvements at the Electric Power Plant, being PWA Docket No. Tex-1847-1-P-F-2, was the lowest and best bid under said project, and that said bid was regular and proper in all particulars; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT said bid of Fox-Schmidt, in the amount of \$36,000.00, for the construction of certain improvements at the Electric Power Plant, be and the same is hereby accepted, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager in behalf of the City of Austin is authorized and instructed to enter into a contract with the said Fox-Schmidt, subject to the approval of the Federal Emergency Administration of Public Works.

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The Mayor called up for its second reading, the following ordinance:

AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR OF PUBLIC SAFETY; PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; LICENSING AND REGULATING TAXICAB TERMINAL OPERATORS; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, EXCEPTING CERTAIN JITNEY ORDINANCES; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Wolf. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Wolf. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

A petition by the residents in the vicinity of West 34th Street, asking that the Pentecostal Church of Christ be not granted a permit to hold services in that neighborhood, was received and the matter was referred to the Assistant City Attorney for attention.

Upon motion of Councilman Alford, a taxi-cab driver's permit was granted to James Francis Reeves, 311 West Sixth Street, in accordance with the recommendation of

Roy J. Smith, Captain of Police, Traffic Division, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report on tabulation of bids was received:

"Austin, Texas  
December 14, 1938

Re: PWA Docket  
No. 1847-2-F-2

Mr. Gulton Morgan  
City Manager  
Austin, Texas

Dear Sir:

The bids received at 10:00 A. M. today have been tabulated and the totals are as follows:

E. L. Dalton -----	\$158,240.00
Dellone Construction Company -----	156,159.00
Brown & Root, Inc. -----	154,733.50
McKenzie Construction Company -----	158,125.50
W. G. Cullum Company -----	158,076.00

I recommend that the contract be awarded to the low bidder, Brown & Root, Inc., Austin, Texas.

Since the amount bid by the low bidder is in excess of the funds available by an amount of \$29,733.50, I further recommend that the proposed lines in the following named streets be deducted, according to the provisions of the specifications:

- Enfield Road - Norwalk to Exposition Boulevard
- Neches Street- 7th Street to 11th Street
- Comal Street - 7th Street to Gregory Street
- Chicon Street- 12th Street to 20th Street
- Olive Street - Curve Street to Navasota Street
- 12th Street - Walnut Street to Hargrave Street
- Hargrave Street-12th Street to Sol Wilson Street
- Hargrave Street-Rosewood Street to Nile Street
- Nile Street - Hargrave Street to Webberville Road
- Webberville Road-Nile Street to Gomez Street

By eliminating the work to be done in the above streets, there will be the following reduction of quantities in the items listed in the proposal.

<u>Item No.</u>	<u>Service</u>	<u>Unit Price</u>	<u>Cost</u>
3	12" pipe - 290'	at \$3.50	\$ 1,015.00
4	8" pipe -1870'	at 2.50	4,675.00
5	6" pipe-10880'	at 1.80	19,584.00
11	8" valves 2	at 40.99	80.00
12	6" valves 24	at 30.00	720.00
14	2" valves 7	at 12.00	84.00
15	Pipe removed- 290' of 6"	at .50	145.00
16	Fire hydrants 14	at 75.00	1,050.00
17	Tons fittings 6	at 150.00	900.00
18	Services 58	at 15.00	870.00
22	Wet Connections - 5	at 25.00	125.00
23	6" Wet Connections -15	at 15.00	225.00
24	2" Wet Connections - 4	at 8.00	32.00
25	Rock excavation - 100 yds.	at 3.00	300.00
27	Remove asphalt - 65 yds.	at 1.50	97.50
	Total -		<u>\$29,902.50</u>

This amount, deducted from the low bid, gives a total of \$124,831.00, which is well under the available funds.

Yours truly,

(Signed) Albert R. Davis  
Engineer Water Superintendent. "

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas,

proposal for bids for the installation of additional water lines under PWA Docket No. Tex-1847-2-F-2, was duly advertised to be received by the City Manager and publicly opened at ten o'clock A. M., Wednesday, December 14, 1938, at the City Hall, Austin, Texas; and

WHEREAS, at said time and place bids were publicly opened and read as specified; and

WHEREAS, thereupon it was found that the bid of Brown & Root, Inc., of Austin, Texas, in the amount of \$124,831.00, for the installation of additional water lines under PWA Docket No. Tex-1847-2-F-2, was the lowest and best bid under said project, and that said bid was regular and proper in all particulars; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT said bid of Brown & Root, Inc., in the amount of \$124,831.00, for the installation of additional water lines in the City of Austin, be and the same is hereby accepted, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager in behalf of the City of Austin is authorized and instructed to enter into a contract with the said Brown & Root, Inc., subject to the approval of the Federal Emergency Administration of Public Works.

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Councilman Alford introduced the following resolution:

WHEREAS, Hilliare F. Nitschke is the owner of Lots 1 and 2, Block 34 of Rosedale H, a subdivision within the City of Austin, Travis County, Texas, which property is located at the northwest corner of the intersection of West 47th Street and Burnet Road, and has made application to the City Council of the City of Austin for permission to construct commercial driveways across the west sidewalk area of Burnet Road and the north sidewalk area of West 47th Street at the above described location, as shown upon the plan hereto attached marked 2-H-620, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Hilliare F. Nitschke, owner of Lots 1 and 2, Block 34, of Rosedale H, a subdivision within the City of Austin, Travis County, Texas, which property is located at the northwest corner of the intersection of West 47th Street and Burnet Road, is hereby permitted to construct a commercial driveway across the west sidewalk area of Burnet Road and the north sidewalk area of West 47th Street at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-H-620, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp, and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report on tabulation of bids by the Engineer was received:

"Austin, Texas  
December 14, 1938

P.W.A. Docket No. Tex-1847-1-P-F-1  
Electric System Improvements  
Street Lighting  
Austin, Texas

Honorable Mayor and City Council:

I herewith submit a summary of the tabulation of bids for the installation of a Street Lighting System designated by the above docket number of the Public Works Administration.

I should like first to point out several inaccuracies in the bid of one Curtis Electric Company. It was found that an error was made in extending the total for Item 2-a, the proposal reading \$189.75, but which should have been \$1,897.50, as indicated by the written amount and figures given for the unit cost which control the total.

A second error of extension occurred in Item 1-b, a total of \$350.00 was indicated for 14 reels at \$24.00, which total should have been \$336.00, thus giving a total net price on this item of \$4,231.24.

In the final totals as recorded under "Base Bid: Total bid based on unit prices with steel poles, Items Nos. 1a, 2a, 3a, 4a, 5a, 6a, 7a, 8a, 9a, 10a, 11a, 12a, 13a, 1b, 2b, 3b, 1c, 2c, 1d, 1e, 1f, and 2f," the figures \$56,000.00 were given; this, however, is not the actual "total" of the unit prices set forth in the proposal, which total should have been given as \$64,351.22.

If the Curtis Electric Company had intended that \$56,000.00 be a lump sum bid for all items, a deduction figure of \$8,351.22 should have been indicated in the last part of the proposal which specifically sets forth "The undersigned bidder agrees to deduct the lump sum of \$\_\_\_\_\_ from the above bids if he is awarded all of the items specified in the base bid of Alternate A bid," but this was left blank by the bidder. I cannot properly assume that the figure \$56,000.00 was a total lump sum bid, but rather that an error in the summation of the "total" of the items as set forth had been made and which figure should properly have been \$64,351.22. This amount, therefore, must be considered in the tabulation as representing the "Net Total Bid" if awarded all items.

I can but consider that the bids as registered by the Curtis Electric Company were, therefore, irregular and confusing.

I recommend that the contract for this project be awarded to Fritz Ziebarth for the lowest and best bid of \$60,504.10.

Respectfully submitted,

(Signed) Walter E. Seaholm  
Supervising Engineer of Staff. "

Mr. Chas. E. Curtis, President of the Curtis Electric Company, was present at the meeting.

Councilman Bartholomew put the following question to Mr. Curtis, which question, together with the reply of Mr. Curtis to same, was ordered spread upon the minutes:

Question - "Mr. Curtis, if the Council rejects your bid and awards this to the next lowest regular bidder, will that be the last we will hear from you - by that, I mean we won't find ourselves faced with a suit similar to what you did to the Board of Regents of A&M?"

Answer - "If my bid is rejected, I will consider it as a closed incident and that will be the last of it. I will give a written statement to that effect, if necessary."

Councilman Gillis then moved that the low bid of Curtis Electric Company, PWA Docket No. Tex-1847-1-P-F-1, Street Lighting for the City of Austin, be rejected, for the reason that it was an irregular bid; and that the City Manager be instructed to prepare a resolution covering this action of the Council to be submitted to the Regional Office of the PWA at Fort Worth. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf then introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman

Wolf; nays, none.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, proposal for bids for the construction work under PWA Docket No. Tex-1847-1-P-F-1, was duly advertised to be received by the City Manager and publicly opened at ten o'clock A. M., Wednesday, December 14, 1938, at the City Hall, Austin, Texas; and

WHEREAS, at said time and place bids were publicly opened and read as specified; and

WHEREAS, thereupon it was found that the bid of Fritz Ziebarth, Contractor, Long Beach, California, in the total net amount of \$60,504.10, for the construction of certain additions to our street lighting system, being PWA Docket No. Tex-1847-1-P-F-1, was the lowest and best bid under said project, and that said bid was regular and proper in all particulars; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT said bid of Fritz Ziebarth, in the total net amount of \$60,504.10, for the construction of certain additions to our street lighting system, be, and the same is hereby, accepted, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager in behalf of the City of Austin is authorized and instructed to enter into a contract with the said Fritz Ziebarth, subject to the approval of the Federal Emergency Administration of Public Works.

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Upon motion, seconded and carried, the meeting was recessed to 7:30 P. M., of this date.

Approved: Tom Miller  
Mayor

Attest:

Helen McKeel  
City Clerk

RECESSED MEETING OF REGULAR MEETING:

Austin, Texas, December 15, 1938.

The City Council convened in recessed session at the regular meeting place at the City Hall, at 7:30 P. M., December 15, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The appeals of taxpayers from the action of the Board of Equalization for the year 1938 were heard and considered as follows:

Mrs. L. C. Banks appeared and protested the valuation on her property at 503 Lavaca Street, being the northwest part of Lots 1 and 2, Block 5, Original City, on the ground that same was assessed for more than the actual cost of same. The matter was taken under advisement and referred to Councilmen Gillis and Wolf for an inspection of the property.

Mrs. L. C. Banks also protested the valuation on the improvements at 206 East 17th Street, known as Lot 3, Block 52, Division "E", on the ground that same had

depreciated in value. The matter was taken under advisement and referred to Councilmen Gillis and Wolf for an inspection of the property.

C. A. Perlitz, representing the Schumacher Company, protested the valuation on the improvements at 400-404 San Antonio Street, known as Lots 1 to 4, inclusive, Block 46, Original City, on the ground that said improvements were assessed at more than the original cost of same.

Mayor Miller then moved that the protest of the Schumacher Company having come to the attention of the City Council as an appeal from the Board of Equalization, he himself, acting as Councilman, talked to the Board of Equalization and asked them to look at the building again very carefully, and he also appointed Councilmen Gillis and Wolf to look at the building to see if the valuation put on by the Appraisal Board was fair and equitable and equalized with like property of like construction, and their report to the Council is that the valuation is fair, therefore that no concessions can be made. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

R. G. Mueller, representing the Calcasieu Lumber Company, protested the valuation on the improvements at 412 West 2nd Street, known as Lots 1 and 2, Block 22, Original City, on the ground that said improvements were assessed at five thousand dollars more than the actual cost of same. It was the sense of the meeting that no change be made and the valuation placed by the Board of Equalization be sustained.

Jay Brown, representing the Dahlich Estate, protested the valuation on the property at 15th and Lavaca Streets, known as Lots 7, 8, 9, Block 175, Original City, on the ground that same was greatly in excess of its market value, and that, on account of the nature of the improvements, its rental value had greatly depreciated, and asked that same be assessed at two-thirds of its reasonable market value. The matter was taken under advisement.

Jay Brown, representing the Dahlich Estate, also protested the valuation on the apartment house at 15th and Colorado Streets on the ground that it was overly assessed. The matter was taken under advisement.

The written protest of Edward Hanson against the valuation on 7.66 acres out of Isaac Decker League, and Lots 16, 17, 18, 19, 20, 21, and 24, in Bradley Subdivision was considered. It was the sense of the meeting that no change be made, and that the valuation of the Board of Equalization be sustained.

The written protest of Dr. C. W. Ramsdell against the valuation placed on Lot 4, Block 2, Outlot 15, Division "C", Ruby Eichberger Subdivision, was considered. It was the sense of the meeting that no change be made, and that the valuation placed by the Board of Equalization be sustained.

Councilman Wolf introduced the following resolution:

WHEREAS, the City Tax Assessor and Collector has this day submitted to the City Council the tax rolls of the City of Austin for the year 1938, which rolls show an aggregate amount of \$59,554,680.00 valuation of property assessed for taxes for said year, and an aggregate amount of \$1,340,084.14 levied as taxes for said year; and

WHEREAS, said tax rolls appear in all respects in correct form, the valuations contained in said rolls having been examined and corrected by the Board of Equalization, which has made its report to the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said tax rolls for said year be, and the same are hereby, approved.

Councilman Wolf moved that the foregoing resolution be adopted. The motion was

seconded by Councilman Alford. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING MUNICIPAL  
TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR  
THE YEAR A. D. 1938.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Gillis. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

Upon motion, seconded and carried, the meeting was then recessed to 3:00 P. M., Friday, December 16, 1938.

Approved: Tom Miller  
Mayor

Attest:

Halle McKeen  
City Clerk

RECESSED MEETING OF THE CITY COUNCIL:

Austin, Texas, December 16, 1938.

The City Council convened in a recessed session of its regular meeting of December 15, 1938, at the regular meeting place at the City Hall, on Friday, December 16, 1938, at 3:00 P. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. L. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

Councilman Gillis introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none. The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, proposal for bids for 12 Boiler Houses under PWA Docket Texas 2134-F was duly advertised

to be received by the City Manager and publicly opened at 2 P. M., Thursday, December 15, 1938, at the City Hall in Austin, Texas; and

WHEREAS, at the same time and place said bids were publicly opened and read as specified; and

WHEREAS, the Architects representing the Board of Trustees of the Austin Independent School District have recommended to the Board of Trustees the lowest and best bid submitted; and

WHEREAS, the Board of Trustees of the Austin Independent School District have by resolution dated December 16, 1938, recommended the award of said contract to the City Council, said resolution being attached hereto; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT the resolution recommending the contract award as submitted by the Board of Trustees of the Austin Independent School District be, and the same is hereby approved, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager, on behalf of the City of Austin acting for the Austin Independent School District, is hereby authorized and directed to execute all contract documents entered into by the Austin Independent School District and the contractor referred to in said resolution of the Austin Independent School District, subject to the approval of said contract documents by the Federal Emergency Administration of Public Works.

(Resolution School Board attached)

RESOLUTION OF THE BOARD OF TRUSTEES  
AUSTIN INDEPENDENT SCHOOL DISTRICT

WHEREAS, Bids were received publicly, opened and read aloud at 2:00 P. M., December 15, 1938, for the construction of twelve Boiler House Buildings, as a part of the School Construction Program under Docket Tex.2134-F, being Project No. 6; and

WHEREAS, the tabulation of said Bids reveals that the Moore Construction Company of Austin, Texas, is the low bidder at a price of \$39,853.00 (Thirty-nine Thousand Eight Hundred and Fifty-three Dollars); and

WHEREAS, Giesecke & Harris, Supervising Architects, represent to the Board that in all things the Bid opening was regular, met the requirements of the Contract between the Public Works Administration and the City, and represent further that the Bid was within the funds available, and that the Moore Construction Company is a responsible firm, and recommend award of Contract for said construction to that firm;

THEREFORE, BE IT RESOLVED that the Board of Trustees of the Austin Independent School District recommend to the City Council of the City of Austin that the Contract for the general construction of the twelve Boiler Houses, according to Plans and Specifications, and as modified by General Letters Nos. 1 and 2, all by Giesecke & Harris, be awarded to the Moore Construction Company at their low Base Proposal of Thirty-nine Thousand Eight Hundred and Fifty-three Dollars (\$39,853.00).

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I, Eleanor H. Wells, member of the Board of Trustees and duly elected Secretary of said Board, do hereby certify the above Resolution was introduced and unanimously carried at a Special Meeting of the Board of Trustees of the Austin Independent School District in the office of the Superintendent of Schools on December 16, 1938.

(SEAL)

(Signed) Eleanor H. Wells  
Secretary.

The request of the School Board for the use of a part of Rosewood Park for an athletic field was discussed, and the matter was taken under advisement.

Upon motion, seconded and carried, the meeting was recessed, subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Helen M. Leman  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 22, 1938.

The City Council convened in regular session at the regular meeting place, on Thursday, December 22, 1938, at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

The reading of the Minutes was dispensed with.

Councilman Alford introduced the following resolution:

WHEREAS, the general budget of the City of Austin, Texas, for the year 1939 was presented to the City Council by the City Manager and filed with the City Clerk of said City on December 17, 1938, for public inspection; and

WHEREAS, the law requires that the City Council shall provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by the City Council not less than fifteen days subsequent to the time such budget is filed; and that public notice shall be given that on the date of hearing the budget prepared by the City Manager will be considered by the City Council and that notice of such hearing shall name the hour, the date and the place where the hearing shall be conducted, and that any taxpayer of the City shall have the right to be present and participate in such hearing; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a public hearing on said general budget of the City of Austin for the year 1939 will be held in the Municipal Building in the City of Austin, situated on the corner of Eighth and Colorado Streets in said City, at 11 o'clock A. M., on the 5th day of January, 1939, at which hearing any taxpayer of the City of Austin will have the right to be present and participate in such hearing, and that a notice of such hearing be published in one issue of the Austin American not less than 10 days before the date set for such hearing.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; noys, none.

Councilman Gillis introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City